

Amendment No. 2 to HB2752

Coleman
Signature of Sponsor

AMEND Senate Bill No. 2665

House Bill No. 2752*

by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 39-13-530, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) Notwithstanding the provisions of § 40-33-211, the proceeds from all forfeitures made pursuant to this section for offenses occurring prior to July 1, 2010, shall be transmitted to the general fund, where there is established a general fund reserve to be allocated through the general appropriations act, which shall be known as the child abuse fund. Moneys from the fund shall be expended to fund activities authorized by this section. Moneys from the fund shall be expended to fund activities authorized by this section. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this section, and shall not revert to the general fund at the end of the fiscal year. Any excess revenues or interest earned by the revenues shall not revert at the end of the fiscal year, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from the reserve shall not revert to the general fund at the end of the fiscal year, but shall remain available for expenditure in subsequent fiscal years.

(2) Notwithstanding the provisions of § 40-33-211, after reimbursement for all litigation expenses incurred by the district attorney general that were incident to the litigation and approved by the court as

authorized by §39-11-713(a), the clerk of the court where the forfeiture occurs shall transmit fifteen percent (15%) of the remaining proceeds from all forfeitures made pursuant to this section for offenses occurring on or after July 1, 2010, to the law enforcement agency conducting the investigation that resulted in the seizure to be used for law enforcement purposes involving child abuse detection, enforcement and prosecution. The clerk shall transmit the remainder of the funds to the department of finance and administration for deposit in the child abuse fund created by subdivision (1) of this subsection (b), to be allocated through the general appropriations act.

(3) The child abuse fund shall be used to fund the activities and organizations authorized by this section and the reversion provisions of subdivision (1) shall apply to subdivision (2) and (3) of this subsection as well. The department shall distribute these funds in accordance with department policies and procedures. Moneys from the fund shall be allocated by the department in the following manner:

(A) Forty five (45%) to the state chapter of Children's Advocacy Centers for the purpose of child abuse prevention activities;

(B) Twenty-seven and one-half percent (27.5%) to the Court Appointed Special Advocates for the purpose of expanding services of existing programs and developing new programs; and

(C) Twenty-seven and one-half percent (27.5%) to Prevent Child Abuse Tennessee for the purpose of statewide child abuse prevention programs and activities.

SECTION _____. Tennessee Code Annotated, Section 39-17-1008, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) Notwithstanding the provisions of § 40-33-211, the proceeds from all forfeitures made pursuant to this section for offenses occurring prior to July 1, 2010, shall be transmitted to the general fund, where there is established a general fund reserve to be allocated through the general appropriations act, which shall be known as the child abuse fund. Moneys from the fund shall be expended to fund activities authorized by this section. Moneys from the fund shall be expended to fund activities authorized by this section. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this section, and shall not revert to the general fund at the end of the fiscal year. Any excess revenues or interest earned by the revenues shall not revert at the end of the fiscal year, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from the reserve shall not revert to the general fund at the end of the fiscal year, but shall remain available for expenditure in subsequent fiscal years.

(2) Notwithstanding the provisions of § 40-33-211, after reimbursement for all litigation expenses incurred by the district attorney general that were incident to the litigation and approved by the court as authorized by §39-11-713(a), the clerk of the court where the forfeiture occurs shall transmit fifteen percent (15%) of the remaining proceeds from all forfeitures made pursuant to this section for offenses occurring on or after July 1, 2010, to the law enforcement agency conducting the investigation that resulted in the seizure to be used for law enforcement purposes involving child abuse detection, enforcement and prosecution. The clerk shall transmit the remainder of the funds to the department of finance and administration for deposit in the child abuse fund created by subdivision (1) of this subsection (b), to be allocated through the general appropriations act.

(3) The child abuse fund shall be used to fund the activities and organizations authorized by this section and the reversion provisions of subdivision (1) shall apply to this subdivision and subdivision (2) as well. The department shall distribute these funds in accordance with department policies and procedures. Moneys from the fund shall be allocated by the department in the following manner:

(A) Forty five (45%) to the state chapter of Children's Advocacy Centers for the purpose of child abuse prevention activities;

(B) Twenty-seven and one-half percent (27.5%) to the Court Appointed Special Advocates for the purpose of expanding services of existing programs and developing new programs; and

(C) Twenty-seven and one-half percent (27.5%) to Prevent Child Abuse Tennessee for the purpose of statewide child abuse prevention programs and activities.

SECTION____. It is the intent of the general assembly in allocating the funds received from forfeitures authorized by § 39-13-530 and § 39-17-1008, that priority be given when at all possible to the funds being expended in the area where the seizure and forfeiture occurred.

SECTION____.

(a) By January 15, 2014, the Tennessee Commission on Children and Youth shall review the provisions of this act and report the findings of such review to the House of Representatives Judiciary Committee, the Senate Judiciary Committee and the House of Representatives Children and Family Affairs Committee.

(b) The review required by subsection (a) shall examine, from the time period July 1, 2010 to July 1, 2013, the number of cases in which seizures and forfeitures pursuant to § 39-13-530 and § 39-17-1008 were effectuated, an

inventory of the type of property seized and forfeited, the amount of revenue derived from such forfeitures by judicial district and total, whether the revenue was distributed in accordance with the formula established by this act, the manner in which the revenue was used by the various entities, and whether the commission recommends adjusting the allocation percentages to maximize child abuse prevention and prevention programs.